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IN THE HIGH COURT OF JUDICATURE AT BILASPUR **Single Bench**

SECOND APPEAL NO. 561 /2004

APPELLANT
PLAINTIFF

Satish Chandra Shrivastava, S/o Late Shri, Rajnikant Shrivastava Aged about 43 years, Occupation, Advocate, Resident of "Ranani Chaya" Civil Line Balodabazar, Distt. Raipur.(C.G.)

P.R. No. 2689/eP
Presented by Shri J.N. Kulshrestha
dated 29/11/eP

-VERSUS-

RESPONDENTS
DEFENDANTS

: 1. Department of Forest, officeY Through, divisional forest General Forest circle Raja Talab, Raipur.

2. State of Chhattisgarh through Collector, Raipur (C.G.).

Valuation of appeal : Rs. 300/- (As in court below)
Court fee paid : Rs. 100/- (As in court below)
COURT FEES AFFIXED IN S.A. :- Rs. 100/-
SECOND APPEAL UNDER SECTION 100 OF THE CIVIL PROCEDURE CODE.

dated 21.8.2004

XI-HC-78

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक S.A. No. 561/ **सन्** 2004

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

19-02-2007

Shri Prakash Tiwari, counsel for the appellant.

Shri G.D.Vaswani, Govt. Advocate for the State/respondents.

Heard.

The appellant is aggrieved by the judgment and decree dated 21-08-2004 in Civil Appeal No.11-A/2003 passed by the IInd Additional District Judge, Baloda Bazar,(C.G.) whereby the judgment and decree dated 25-06-2003 in Civil Suit No.140-A/2002 passed by the Civil Judge Class-I, Baloda Bazar (C.G.) refusing to grant prohibitory injunction against the defendants was affirmed.

Having heard rival contentions, I am of the considered opinion that reliance placed by learned counsel for the appellant on the provisions of the Wild Life (Protection) Act, 1972 and the Cattle Trespass Act, 1871 is not well founded and cannot be accepted. The Wild Life (Protection) Act, 1972 is an act for the protection of wild animals, birds and plants and for matters connected therewith or ancillary or incidental thereto with a view to ensuring the ecological and environmental security of the country and does not enure to the benefit of the appellant-plaintiff. Similarly, the Cattle Trespass Act, 1871 has no application to the facts of the case since a wild monkey does not fall within the definition of cattle in Section-3 of the Act. Thus, the refusal to grant prohibitory injunction against the defendants is in accordance with law

In this view of the matter, no substantial question of law is involved in this appeal.

In the result, this appeal is dismissed. There shall be no order as to cost.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Kmj Tiwari